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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,140	02/13/2002	Yousuke Kowno	032416.02	8095

25944 7590 03/21/2005

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EXAMINER
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MOE, AUNG SOE

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/073,140

Applicant(s)

KOWNO ET AL.

Examiner

Aung S. Moe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 08/873,180.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/13/02</u> . | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 7-10, 14-17, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Freeman et al. (U.S. 5,579,239).

Regarding claim 1, Freeman '239 discloses an information input apparatus comprising an imaging means (1) for shooting images of objects; memory means (2; col. 5, lines 29-31) for storing the images shot by said imaging means; reproducing means (20) for reproducing the images stored in said memory means; control means (col. 4, lines 17-18; personal computer) for controlling the storage of the images shot by said imaging means into said memory means, and the reproduction of at least a predetermined one of the images stored in said memory means, by said reproducing means; first instruction means (col. 4, lines 51+) for instructing said controlling means to store the images shot by said imaging means to said memory means; and second instruction means (col. 5, lines 29+) for instructing said reproducing means to reproduce at least a predetermined one of the images stored in said memory means (2); wherein said control means stores in said memory means the images shot by said imaging means when there is an instruction from said first instruction means to store in said memory means the images shot by said imaging

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means, while said reproducing means is reproducing a predetermined one of the images instructed by said second instruction means (col. 5, lines 31+).

Regarding claim 2, Freeman '239 discloses wherein said control means overwrites the image shot by said imaging means in a predetermined area of said memory means (2) in which the predetermined one of the images that said reproducing means (20) is reproducing is recorded, when there is an instruction from said first instruction means to store in said memory means the images shot by said imaging means, while said reproducing means is reproducing a predetermined one of the images instructed by said second instruction means (i.e., see col. 5, lines 31+).

Regarding claim 3, Freeman '239 discloses further comprising display means (20) for displaying the images shot by said imaging means and the image stored in said memory means (2).

Regarding claim 7, Freeman '239 discloses that while the reproduction means is reproducing an image, the data for the image being reproduced is set to an erasable condition while a newly shot image is recorded (col. 5, lines 31+).

As to claims 8-10, please see Examiner's comments regarding claims 1-3 respectively.

As to claim 14, see Examiner's comments regarding claim 7.

As to claim 15, see Examiner's comment regarding claim 1 and note that in Freeman '239 the memory part is connected to the imaging part (col. 4, lines 28+), the reproducing part is connected to the memory part (col. 5, lines 28+), the control part is connected to the memory

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part and the reproducing part (col. 4, lines 49+; col. 5, lines 29+), and the instruction part is connected to the control part (col. 4, lines 51+; col. 5, lines 29+).

As to claim 16, see Examiner's comments regarding claim 2.

As to claim 17, see Examiner's comments regarding claim 3.

As to claim 21, see Examiner's comments regarding claim 7.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 4-6, 11-13 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman '239.

Regarding claim 4, Freeman '239 does not disclose an illumination means. However, Official notice is given that it is well known in the art to provide an imaging device with an illumination means in order to improve the ambient lighting condition so as to produce a clearer image. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide for the Freeman '239 device with an illumination means in order to improve the imaging capability of the imager in low light conditions.

Regarding claim 5, Freeman '239 discloses a sound input means wherein the memory means stores the sound input and relates images and sounds (col. 5, lines 39+).

As to claims 11 and 18, see Examiner's comments regarding claim 4.

As to claims 12-13 and 19-20, see Examiner's comments regarding claims 5-6.

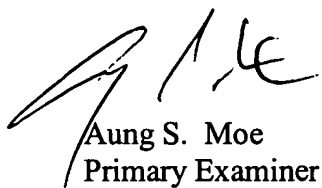
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung S. Moe whose telephone number is 703-306-3021. The examiner can normally be reached on Mon-Fri (9-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929 (or 571-272-7308). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)..



Aung S. Moe  
Primary Examiner  
Art Unit 2612

A. Moe  
March 18, 2005